

United States District Court
Eastern District of California

Michael J. Brodheim,

Plaintiff,

vs.

Michael Cry, et al.,

Defendants.

No. Civ. S 02-0573 FCD PAN P

Order

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Plaintiff is a state prisoner claiming defendants retaliated against him for exercising his First Amendment right to file prison grievances. Plaintiff alleges defendant Cry responded to plaintiff's prison grievance by stating "I'd . . . like to warn you to be careful what you write, request on this form."

December 16, 2004, plaintiff moved to compel discovery and require defendant Cry to further respond to interrogatory nine of plaintiff's fourth set of interrogatories. Plaintiff asked "What action(s) would you have taken if plaintiff had not heeded your

1 'warning'?" Cry responded "There is no indication that plaintiff
2 has heeded my advice."

3 Defendant must supplement his answer by explaining the
4 degree of care he warned plaintiff to take in completing such a
5 form and what consequences would befall plaintiff if he did not
6 comply.

7 Plaintiff's December 16, 2004, motion to compel is granted
8 in part and denied in part.

9 So ordered.

10 Dated: July 21, 2005.

11 /s/ Peter A. Nowinski

12 PETER A. NOWINSKI
13 Magistrate Judge
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